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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JOEL S. ARIO, Acting Insurance Commissioner
of the Commonwealth of Pennsylvania, in his
capacity as Liquidator of Reliance Insurance
Company

Plaintiffs,

v.

AXIUM INTERNATIONAL INC. dba AXIUM
ENTERTAINMENT SERVICES, INC.,

Defendants.
-----X

Case No.: 07 Civ. 6486 (PAC)

**AMENDED CIVIL CASE
MANAGEMENT PLAN AND
SCHEDULING ORDER**

This Civil Case Management Plan, submitted in accordance with Rule 26(f), Fed. R. Civ. P., is adopted as the Scheduling Order of this Court in accordance with Rule 16(f), Fed.R.Civ.P.

1. All parties do not consent to conducting the trial before a Magistrate Judge. 28 U.S.C. § 636(c). [If all consent, the remaining paragraphs need not be completed.]
2. This case (ie) is not to be tried to a jury.
3. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed by January 9, 2008.
4. Initial disclosure pursuant to Rules 26(a)(1), Fed. R. Civ.P., shall be completed by 14 days from the date of this Order. [completed]
5. All fact discovery shall be completed by February 13, 2008.
6. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the written consent of all parties without application to the Court, provided all fact discovery is completed by the date set forth in paragraph 5 above.
 - a. Initial requests for production of documents to be served by October 31, 2007. [completed]

- b. Interrogatories to be served by **October 31, 2007 [completed]**
 - c. Depositions to be completed by **February 13, 2008.**
 - d. Requests to Admit to be served by **October 31, 2007 [completed]**
7. a. All expert discovery shall be completed by **March 20, 2008.**
[Absent exceptional circumstances, a date forty-five (45) days from the date in paragraph 5, i.e. the completion of all fact discovery.]
- b. No later than thirty (30) days prior to the date in paragraph 5, i.e. the completion of all fact discovery, the parties shall meet and confer on a schedule for expert disclosures, including reports, production of underlying documents and depositions, provided that (i) Plaintiff(s)' expert report(s) shall be due before those of Defendant(s)' expert(s); and (ii) all expert discovery shall be completed by the date set forth in paragraph 7(a).
8. All motions and applications shall be governed by the Court's Individual Practices, including pre-motion conference requirements.
9. All counsel must meet face-to-face for at least one hour to discuss settlement by **February 20, 2008 or 15 days after receipt of Plaintiff's expert's report, whichever is later.**
10. a. Counsel for the parties have discussed an information exchange of information in aid of an early settlement of this case and have agreed upon the following:
- b. Counsel for the parties have discussed the use of the following alternate dispute resolution mechanisms for use in this case: ☒ a settlement conference before a Magistrate Judge; (ii) participation in the District's Mediation Program; and/or (iii) retention of a privately retained mediator. Counsel for the parties propose the following alternate dispute resolution mechanism for this case: _____
- c. Counsel for the parties recommend that the alternate dispute resolution mechanism designated in paragraph b, be employed at the following point in the case. }
- After close of fact discovery and receipt by Defendant of Plaintiff's expert report, provided that the parties have not been able to settle the matter without employing such a mechanism.**
- d. The use of an alternative dispute resolution mechanism does not stay or modify any date in this Order.
11. The Final Pretrial Submission Date is thirty (30) days following the close of fact and

expert discovery (whichever is later). By the Final Pretrial Submission date, the parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practices and Rule 26(a)(3), Fed. R. Civ. P. Any motions in limine (for which the promotion conference requirement is waived) shall be filed by the Final Pretrial Submission Date. If this action is to be tried before a jury, proposed voir dire, jury instructions and verdict form shall also be filed by the Final Pretrial Submission Date. Counsel are required to meet and confer on a joint submission of proposed jury instructions and verdict form, noting any points of disagreement in the submission. Jury instructions may not be submitted after the Final Pretrial Submission Date, unless they meet the standard of Rule 51(a)(2)(A)/ Fed. R. Civ. P. If this action is to be tried to the Court, proposed findings of fact and conclusions of law should be submitted by the Final Pretrial Submission Date.

12. Counsel for the parties have conferred and their present best estimate of the length of trial is: 7 days.

13. **Civil Case Management Plan Requirement Due Date**

Civil Case Management Plan Requirement	Due Date
Motion to amend or to join additional parties to be filed no later than:	1-09-08
Initial disclosure pursuant to Rule 26(a)(1), Fed.R.Civ.P. to be filed no later than:	10-17-07
All fact discovery to be completed no later than:	2-13-08
Discovery – initial requests for production of documents to be served no later than:	10-31-07 [completed]
Discovery – interrogatories to be served no later than:	10-31-07 [completed]
Discovery – depositions to be completed no later than:	2-13-08
Discovery – requests to admit to be served no later than:	10-31-07 [completed]
All expert discovery to be completed no later than:	3-20-08
Parties to meet to confer on schedule for expert disclosures no later than:	1-04-08
All counsel to meet face-to-face to discuss settlement no later than:	2/20/08 or 15 days after receipt of Plaintiff's expert's report, whichever is later
Date recommended by counsel for alternate dispute resolution:	2/20/08

Signatures:

COUNSEL FOR PLAINTIFFS

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By: /s/
Jill L. Mandell, Esq.

Date: December 10, 2007

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By: /s/
Ronald A. Peters

Date: December 10, 2007

TO BE COMPLETED BY THE COURT:

14. [Other directions to the parties]

15. The (next Case Management) (Final Pretrial Conference) is scheduled for 2/13/08 - 2:00pm

This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend shall be made in a written application in accordance with paragraph 1(E) of the Court's Individual Practices and shall be made no less than two (2) days prior to the expiration of the date sought to be extended.

Paul A. Crotty
Paul A. Crotty
United States District Judge

Dated: New York, New York

December 12, 2007
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